

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EVAN WEINER, on behalf of himself and all  
others similarly situated,

Civil Action No. 07-CIV-8742

Plaintiff,

v.

SNAPPLE BEVERAGE CORPORATION,

**MOTION TO ADMIT PHILIP A.  
TORTORETI *PRO HAC VICE***

Defendant.

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PURUSANT TO RULE 1.3(c) of the Local Rules of the United States District  
Court for the Southern and Eastern Districts of New York, I, Daniel R. Lapinski, a  
member in good standing of the bar of this Court, hereby move for an Order allowing the  
admission *pro hac vice* of:


Applicant's Name:	Philip A. Tortoreti (PT4465)
Firm Name:	Tortoreti, Tomes & Callahan, P.C.
Address:	150B Tices Lane
City/State/Zip:	East Brunswick, NJ 08816
Phone Number:	732-257-9100
Fax Number:	732-257-9012
Email Address:	ptort@ttclawyers.com

Philip A. Tortoreti is a member in good standing of the Bar of the State of New  
Jersey. Attached hereto is a Certificate of Good Standing from that jurisdiction. There

are no pending disciplinary actions proceeding against Philip A. Tortoreti in any State or Federal Court.\*

Dated: 10 | 18 | 07

Respectfully submitted,

By: 

Daniel R. Lapinski  
Wilentz, Goldman & Spitzer  
110 William Street  
26<sup>th</sup> Floor  
New York, NY 10038  
(732) 636-8000  
(732) 855-6117

\*Mr. Tortoreti is also voluntarily an inactive member of the Bar of the United States Virgin Islands that is subject to active membership reinstatement at his discretion. His inactive status is a result of a personal decision that does not relate to any ethics or other law related issue.

# Supreme Court of New Jersey

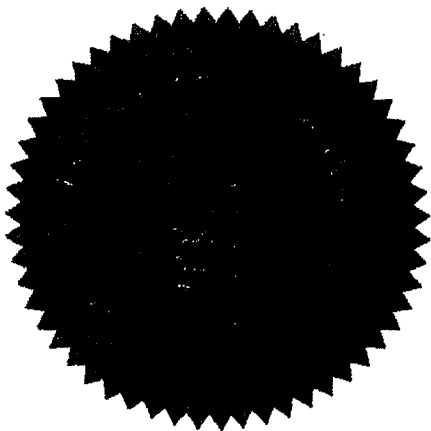


## Certificate of Good Standing

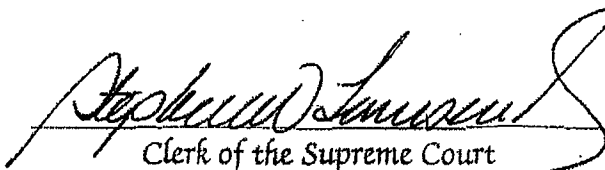
This is to certify that **PHILIP A TORTORETI**  
(No. **003201975** ) was constituted and appointed an Attorney at Law of New  
Jersey on **June 12, 1975** and, as such,  
has been admitted to practice before the Supreme Court and all other courts of this State  
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in  
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"  
if the Court's records reflect that the attorney: 1) is current with all assessments  
imposed as a part of the filing of the annual Attorney Registration Statement, including,  
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client  
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not  
resigned from the Bar of this State; and 4) has not been transferred to Disability  
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's  
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to  
practice law in this State.*



In testimony whereof, I have  
hereunto set my hand and  
affixed the Seal of the  
Supreme Court, at Trenton, this  
**30TH** day of **July**, 20 **07**

  
Clerk of the Supreme Court

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

EVAN WEINER, on behalf of himself and all  
others similarly situated,

Civil Action No. 07-CIV-8742

Plaintiff,

v.

SNAPPLE BEVERAGE CORPORATION,

**AFFIDAVIT OF DANIEL R.  
LAPINSKI IN SUPPORT OF  
MOTION TO ADMIT PHILIP A.  
TORTORETI *PRO HAC VICE***

Defendant

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STATE OF NEW YORK     )  
                                  )     ss:  
COUNTY OF NEW YORK    )

Daniel R. Lapinski, being duly sworn, hereby deposes and says as follows:

1. I am an associate with Wilentz, Goldman & Spitzer, counsel for Plaintiffs in the above-captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's Motion to Admit Philip A. Tortoreti as counsel *pro hac vice* to represent Plaintiff in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law before the First Judicial Department on March 4, 2002. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court since my admission on April 16, 2002.
3. I have known Philip A. Tortoreti since November 2006. Since that time, and up to the present, I have worked as co-counsel with him on several matters.
4. Mr. Tortoreti is a partner with the East Brunswick, New Jersey office of Tortoreti, Tomes & Callahan, P.C.
5. I have found Mr. Tortoreti to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

6. Accordingly, I am pleased to move the admission of Philip A. Tortoreti, *pro hac vice*.
7. I respectfully submit a proposed order granting the admission of Philip A. Tortoreti, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE, it is respectfully requested that the motion to admit Philip A.

Tortoreti, *pro hac vice*, to represent Plaintiffs in the above-captioned matter, be granted.

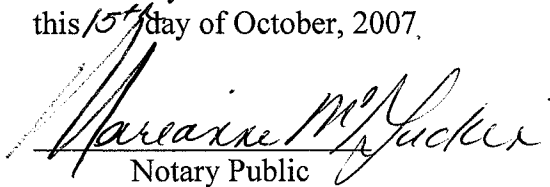
DATED: 10/18/07

Respectfully submitted,

By: 

Daniel R. Lapinski  
Wilentz, Goldman & Spitzer  
110 William Street  
26<sup>th</sup> Floor  
New York, New York 10038  
(212) 267-3091

Sworn to before me  
in the State of New Jersey  
and County of Middlesex  
this 15<sup>th</sup> day of October, 2007,

  
Notary Public

MARIANNE MCGUCKIN  
Notary Public - State of N.J.  
My Commission Expires Aug. 1, 2011

# Exhibit A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EVAN WEINER, on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

SNAPPLE BEVERAGE CORPORATION,

Defendant.

Civil Action No. 07-CIV-8742

**ORDER FOR ADMISSION *PRO*  
*HAC VICE* OF PHILIP A.  
TORTORETI ON WRITTEN  
MOTION**

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Upon the written motion of Daniel R. Lapinski, attorney for Plaintiff, and said  
sponsor attorney's Affidavit in support;

**IT IS HEREBY ORDERED** that

Philip A. Tortoreti  
Tortoreti, Tomes & Callahan, P.C.  
150B Tices Lane  
East Brunswick, NJ 08816  
(732) 257-9100  
(732) 257-9012 (fax)  
[ptort@ttclawyers.com](mailto:ptort@ttclawyers.com)

is admitted to practice *pro hac vice* as counsel for Plaintiff in the above-captioned case in  
the United States District Court for the Southern District of New York. All attorneys  
appearing before this Court are subject to the Local Rules of this Court, including the  
Rules governing discipline of attorneys. As this action has been assigned to the  
Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF

password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

DATED: \_\_\_\_\_, 2007.  
New York, New York

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UNITED STATES DISTRICT/MAGISTRATE JUDGE



**CERTIFICATE OF SERVICE**

I, Daniel R. Lapinski, hereby certify that the foregoing was served this 18<sup>th</sup> day of October, 2007, by Electronic Case Filing, on the following counsel of record:

Van H. Beckwith  
Baker Botts, L.L.P.  
2001 Ross Avenue, Suite 600  
Dallas, Texas 75201

Maureen P. Reid  
Baker Botts, L.L.P.  
30 Rockefeller Plaza  
New York, NY 10112



DANIEL R. LAPINSKI